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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,724	02/04/2004	Naofumi Kobayashi	FUJY 20.944	4952
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KATTEN MUCHIN ROSENMAN LLP			EXAMINER	
575 MADISON AVENUE			ENG, DAVID Y	
NEW YORK, NY 10022-2585			ART UNIT	PAPER NUMBER
			2155	
			MAIL DATE	DELIVERY MODE
			10/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,724

Applicant(s)

KOBAYASHI, NAOFUMI

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 20, 21, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/4/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

In response to the restriction requirement mailed on 8/30/2007, Applicants elect Group I claims 1-19, 22 and 23 for examination without traverse. The non-elected claims 20-21 and 24-25 are therefore withdrawn from consideration. Applicants are requested to cancel the non-elected claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, "unicast" has no antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hejna (USP 6,934,759) in view of Sandstrom (USP 7,254,138).

Hejna teaches:

Claims 1, 2, 4, 5, 7, 19, 22, 23

A data generating device (devices shown in Figure 7, embodiment 3000, column 9/ lines 35-48) installed on an upstream side of a switching device (network 3990 and its servers, gateways and routers, etc.) (since the outputs of devices shown in Figure 7 are for outputting data to network 3990, they are at the upstream side) for performing switching based on data of a first layer, comprising:

reading unit (work streamer 3200, column 9/line 49 to column 10/line11) to read forward management information relating to a forwarding process (broadcast) of forward data (column 9/lines44-48) from data of a second layer higher than the first layer;

storage unit (storage device 3100) to store the forward management information read by said reading unit;

data generating (multi-caster 3300, column 10/ line 33-59)) unit to identify one or more clients (client list, column 10/line41), each of which corresponds to a forward destination of the forward data, on the basis of the forward management information stored in said storage unit, and generating the same number of pieces of transmission data as the number of identified clients (inherent in multicast), wherein each of the pieces of transmission data includes equivalent contents to the forward data; and

forwarding unit (processor 3500, column 10/line 60 to column 11/line11) to forward each piece of transmission data generated by said data generating unit to the switching device in order to transmit each piece of transmission data to each client corresponding to the forward destination.

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Hejna does not teach data of layers. It is well known in network art that network communication is implemented in layers. Sandstrom teaches an OSI protocol (abstract) multicast system operated in layers. From the teaching of Sandstrom, it would have been obvious to a person of ordinary skill in the art that Hejna's system is implemented in layers. Further, Applicants recognize that LAN is a layer 2 switch. Hejna is a LAN network (column 8/line39).

Claims 3,

Addresses are inherently required in network communication.

Claims 6, 12 , 13, 14, 15, 16,

The "wherein clauses" merely consist of non-functional descriptive material. As to claim 6, further see also MAC protocol in column 21/line 34 in Sandstrom.

Claims 8, 9, 10, 11,

Up date is inherent in a system like Hejna. The device being used for enter data in the system of Hejna can be considered as an update unit.

Claims 17, 18

Addresses of destination and source are inherent in communication system because they are essential. As to timing, see the description of rebroadcast interval determiner 3700 in Figure 7.

Other Cited References

Sargent (USP 6,874,010) is cited for the teaching a broadcast system having a subscription list (column 7/124-35).

Connelly (USP 7,284,064) is cited for the teaching of a system for broadcasting to a plurality of clients (abstract).


Ammitzball (USP 6,785,294) is cited for the teaching of a broadcast system with IGMP protocol (abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAVID Y. ENG
PRIMARY EXAMINER